

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

United States Court of Appeals
Fifth Circuit

FILED

September 2, 2009

Charles R. Fulbruge III
Clerk

No. 09-50113
Summary Calendar

UNITED STATES OF AMERICA

Plaintiff-Appellee

v.

JOSE GORGONIO RIVERA-CORRAL

Defendant-Appellant

Appeal from the United States District Court
for the Western District of Texas
USDC No. 3:08-CR-2937-ALL

Before WIENER, DeMOSS, and SOUTHWICK, Circuit Judges.

PER CURIAM:*

Jose Gorgonio Rivera-Corral appeals from his conviction of attempted illegal reentry, for which he was sentenced to 70 months of imprisonment. Rivera-Corral contends solely that his sentence was unreasonable because the district court failed to take into account certain factors when determining the sentence.

Rivera-Corral has not shown any procedural error by the district court when determining his sentence. *See Gall v. United States*, 128 S. Ct. 586, 597

* Pursuant to 5TH CIR. R. 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in 5TH CIR. R. 47.5.4.

(2007). Nor has he rebutted the presumption of reasonableness given to his sentence within the appropriate guideline sentencing range. *See United States v. Alonzo*, 435 F.3d 551, 554 (5th Cir. 2006).

AFFIRMED.